

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JON PIERRE GENDRON,
Plaintiff,

VS.

SAFECO INSURANCE COMPANY
OF AMERICA AND GENERAL INSURANCE
COMPANY OF AMERICA,
Defendants.

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CIVIL ACTION NO. 7:15-cv-66

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

NOW COMES Safeco Insurance Company of America and General Insurance Company of America, Defendants herein, and, pursuant to 28 U.S.C. § 1446(a), file their Notice of Removal of the present cause from the County Court at Law No. Five (5) of Hidalgo County, Texas, in which it is now pending, to the United States District Court for the Southern District of Texas, McAllen Division, and in support thereof would respectfully show the following:

1. This lawsuit was filed on December 22, 2014, in the County Court at Law No. Five (5) of Hidalgo County, Texas; bearing the style *Jon Pierre Gendron v. Safeco Insurance Company of America* and the cause number CL-14-4595-E; Plaintiff subsequently amended his pleading on February 10, 2015 to include General Insurance Company of America as a Defendant.

2. Defendants accepted service of Plaintiff's First Amended Petition on February 10, 2015. Defendant Safeco Insurance Company of America had been served with Plaintiff's Original Petition on January 20, 2015. A true and correct copy of all process and pleadings in that cause and the certified docket sheet are attached as Exhibits.

3. The Plaintiff seeks underinsured motorist benefits under a policy endorsed by

Defendant General Insurance Company of America for injuries allegedly suffered in a motor vehicle accident on February 19, 2010. Plaintiff alleges he has suffered damages in excess of the adverse driver's policy limits and is seeking monetary relief against Defendants in excess of \$100,000.

4. Plaintiff is a citizen of the State of Texas. Defendants are corporations duly incorporated in the State of Washington and with their principal place of business in the State of Washington. *See* Exhibit H.

5. The parties are citizens of different states and, thus, diversity of citizenship exists. Furthermore, as described above, the amount in controversy in this case exceeds \$75,000. Accordingly, the Court has original jurisdiction over the Plaintiff's claims pursuant to 28 U.S.C. § 1332.

6. This Notice of Removal was timely filed within thirty (30) days from receipt by Defendant Safeco Insurance Company of America of *Plaintiff's Original Petition*, in accordance with the provision of 28 U.S.C. § 1446(b).

7. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this removal shall be promptly provided to Plaintiff, through his counsel, following the filing of same. Further, a copy of this Notice of Removal shall be promptly filed with the clerk of the state court from which this cause was removed.

8. In accordance with the Local Rules for the United States District Court for the Southern District of Texas governing removal of civil actions, the following is the Index of Exhibits for this Notice of Removal:

- A. Certified State Court Docket Sheet
- B. Plaintiff's Original Petition
- C. Plaintiff's First Amended Petition

- D. Defendants' Original Answer
- E. Return of Service
- F. Defendants' Waiver of Service
- G. List of Parties and Counsel of Record
- H. Affidavit of Barbara Spearman (re: Defendants' Citizenship)
- I. Civil Cover Sheet

Respectfully submitted

w/p
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing instrument was been served upon counsel of record on February 12, 2015, as follows:

Via Facsimile: (956) 969-9402

Ivan F. Perez

Juan M. Pequeno

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